

PATENT CASE
OC01128K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

_____X	
In re Application of: Peter Houghton	:
	: Group Art Unit: To be determined
Serial No.: 09/768,445	:
	:
Filed: January 24, 2001	: Examiner: To be determined
	:
For: Combination Therapy for Cancer	:
_____X	

Schering-Plough Corporation
Kenilworth, New Jersey 07033-0530

Customer Service Center
Initial Patent Examination Division
Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

PETITION TO REQUEST REFUND OF EXTENSION OF TIME FEES

Sir:

Applicant hereby petitions the Commissioner to refund the four month Petition for Extension of Time fees under 37 CFR 1.136(a) for the above-identified application paid for the above identified application in response to a Notice to File Missing Parts of Non Provisional Application dated May 26, 2001.

In late September 2001, Applicant, through the normal course of standard ducketing and filing procedures of papers received from the U.S.P.T.O., became aware that a Notice of Missing Parts was never received in the above-identified case. Applicant's undersigned attorney, received a faxed copy of a Notice to File Missing Parts (copy attached) on September 25, 2001. In an effort to advance the prosecution of this case, Applicant replied to the Notice to File Missing Parts prior to November 26, 2001, with the signed Inventor's Declaration, copy of the Notice and the appropriate four month extension of time (copies attached). However, because the Applicants never received the Notice until September 25, 2001, Applicant

Inventor: Houghton
Serial No. 09/768,445
Filed: January 24, 2001

respectfully requests a refund of the four month extension of time accompanying the Notice of Missing Parts and Declaration of Inventor.

The Commissioner is hereby given authorization to charge any necessary fees to consider this paper timely and/or to enter this paper to Deposit Account No. 19-305. The Commissioner is hereby requested to call the undersigned attorney on any matter connected with this application.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION

11-2-01
William Y. Lee
Attorney for Applicant
Reg. No. 46,100
(908) 298-2161

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO CUSTOMER SERVICE CENTER, INITIAL
PATENT EXAMINATION DIVISION, ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231
ON NOVEMBER 6, 2001
(DATE OF DEPOSIT)

WILLIAM Y. LEE
(REGISTERED REPRESENTATIVE)

11-2-01
(SIGNATURE)

11-2-01
(Date)

20245_1

PTO/SB/22 (10-95)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) OC01128K										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">In re Application of Houghton, et al.</td> </tr> <tr> <td style="padding: 2px;">Application Number: 09/168,445</td> <td style="padding: 2px;">Filed January 24, 2001</td> </tr> <tr> <td colspan="2" style="padding: 2px;">For Combination Therapy for Cancer</td> </tr> <tr> <td style="padding: 2px;">Group Art Unit To be determined</td> <td style="padding: 2px;">Examiner To be determined</td> </tr> </table>			In re Application of Houghton, et al.		Application Number: 09/168,445	Filed January 24, 2001	For Combination Therapy for Cancer		Group Art Unit To be determined	Examiner To be determined		
In re Application of Houghton, et al.												
Application Number: 09/168,445	Filed January 24, 2001											
For Combination Therapy for Cancer												
Group Art Unit To be determined	Examiner To be determined											
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: right;">\$ 110.00</td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: right;">\$ 400.00</td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: right;">\$ 920.00</td> </tr> <tr> <td><input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: right;">\$ 1440.00</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: right;">\$ 1960.00</td> </tr> </table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$_____.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>19-0365</u>.</p> <p>I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor</p> <p style="margin-left: 40px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> attorney or agent of record.</p> <p style="margin-left: 40px;"><input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p style="text-align: center;">November 6, 2001 Date</p> <div style="text-align: right; margin-top: 20px;"> <p>_____ Signature</p> <p>William Y. Lee Typed or printed name</p> </div> <p><small>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</small></p>			<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 110.00	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 400.00	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 920.00	<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1440.00	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ 1960.00
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 110.00											
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 400.00											
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 920.00											
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1440.00											
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ 1960.00											
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.												

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231